

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MELVIN PARKER,

Plaintiff,

v.

N.WEST,

Defendant.

No. 2:22-cv-2015 CSK P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis. On December 9, 2024, nonparty Durrell Puckett filed a document styled “Summary Judgment and Settlement Agreed Statement.” (ECF No. 62.) Mr. Puckett signed the filing in at least two places. (*Id.* at 2, 3.) Mr. Puckett is not a party to this action and cannot file documents on behalf of fellow inmates.

In addition, Mr. Puckett cannot represent a fellow prisoner. See Johns v. County of San Diego, 114 F.3d 874, 876 (9th Cir. 1997) (“While a non-attorney may appear pro se on his own behalf, he has no authority to appear as an attorney for others than himself”) (internal quotations and citation omitted); see also Jorss v. Schwarzenegger, 168 F. App’x 825, 826 (9th Cir. 2006) (finding the district court properly dismissed the complaint because the pro se prisoner plaintiff could not represent others). In the future, Mr. Puckett shall refrain from filing documents on behalf of plaintiff in this action.

1 Further, the filing does not bear the signature of plaintiff. By the sentence “I Melvin
2 Parker on 10-27-24 declare under penalty of perjury” (ECF 62 at 1) there is handwriting that
3 appears to be initials, which could be MB or MP, but even if such handwriting is a signature, the
4 handwriting does not remotely resemble plaintiff’s neat handwritten signature contained on his
5 original complaint and other filings. (See, e.g., ECF Nos. 1 at 6; 2 at 2; 10 at 2; 26 at 1.) Parties
6 proceeding without counsel are required to sign all pleadings, motions, and other papers
7 submitted to the court for filing. Fed. R. Civ. P. 11(a). The Court is unable to consider the
8 December 9, 2024 filing unless plaintiff signs and re-files it. Id. Failure to comply with this
9 order will result in an order striking the December 9, 2024 filing (ECF No. 62).

10 Therefore, plaintiff is provided an opportunity to re-file the December 9, 2024 filing with
11 a document bearing his signature, and only his signature, not the signature of Mr. Puckett or
12 another nonparty. In addition, plaintiff must clearly identify the nature of the document. In other
13 words, plaintiff must title the document in a way that describes what plaintiff is filing. Any
14 request that this Court issue an order must be made by formal motion. See Fed. R. Civ. P. 7(b).
15 Any motion filed must comply with the Local Rules of this court and the Federal Rules of Civil
16 Procedure. Further, if plaintiff is attempting to negotiate a settlement with defendant, he should
17 communicate such settlement offers directly with counsel for defendant. Settlement negotiations
18 are confidential and should not be included in court filings.

19 Finally, it appears plaintiff has been transferred away from Kern Valley State Prison in
20 Delano, California, his current address of record. According to the California Department of
21 Corrections and Rehabilitation (“CDCR”) California Incarcerated Records and Information
22 Search (“CIRIS”), plaintiff is now incarcerated at the California Health Care Facility (“CHCF”) in
23 Stockton, California.¹ Plaintiff has not filed a notice of change of address. It is the plaintiff’s
24 responsibility to keep the Court apprised of his current address at all times. Local Rule 182(f).
25 On this occasion, the Court will order service of this order on plaintiff at CHCF, but plaintiff is
26 required to file a notice of change of address. Id. Pursuant to Local Rule 182(f), service of

27 ¹ This information was obtained from the CDCR Inmate Locator website,
28 <<https://ciris.mt.cdcr.ca.gov>> (accessed Dec. 20, 2024).

documents at the record address of the party is fully effective.

Accordingly, IT IS HEREBY ORDERED that:

1. Nonparty inmate Durrell Puckett, #G-05549, shall refrain from filing documents on behalf of plaintiff in this action.

2. Within thirty days from the date of this order, plaintiff may re-file a version of the December 9, 2024 filing (ECF No. 62) bearing only his signature, not the signature of Mr. Puckett or another nonparty. Such re-filing shall include (a) plaintiff's signature; (b) the date he signed it and handed it to prison staff for mailing; and (c) an appropriate title that describes the filing.

3. The Clerk of the Court is directed to send plaintiff a copy of the December 9, 2024 filing (ECF No. 62) to Melvin Parker, CDCR # AP1330, California Health Care Facility, P.O. Box 213040, Stockton, California 95213. Plaintiff shall file a notice of change of address forthwith.

4. In addition, the Clerk of the Court is directed to serve a copy of this order on nonparty Durrell Puckett, CDCR No. G05549, California Men's Colony, P.O. Box 8101, San Luis Obispo, California 93409-8101.

Dated: December 26, 2024


CHI SOO KIM
UNITED STATES MAGISTRATE JUDGE

/l/park2015.mot.nonp